

REMARKS

Claims 28 through 33 are rejected under 35 USC §112 first paragraph as failing to comply with the written description requirement. The Examiner stated that the specification supports only the term "citrus juice" product and that inclusion of the term "juice" in the claims broadens the scope of the claims beyond what was originally filed.

Applicant respectfully submits that the rejection is improper in that the application as originally filed supports the current scope of the claims. Applicant notes that on page 1 of the specification, "Field of the Invention", the statement is made that the invention is directed toward a container suitable for juice and similar beverages. Further, Applicant used the term "juice" without further limitation to a citrus product in numerous instances of the specification including page 8, line 21; page 9, line 20; page 10, line 27 (juice packaging industry); and, page 12, line 31.

Further, Applicant's specification makes clear that it is within the scope of the present invention to include inorganic additives that can achieve reductions in water vapor transmission rate as set forth in the specification on page 13, line 27 through page 15, line 24. In the specification, Applicant specifically mentions other products such as fabric softeners which is not a juice product and the specification as filed and prosecuted includes claims directed to water vapor barrier layer properties that have utility across a wide range of both beverage and non-beverage liquids.

Accordingly, Applicant respectfully requests reconsideration of the rejection that the specification fails to provide adequate support for the term "juice".

Claims 21, 23, and 24 are rejected under 35 USC §112 second paragraph as being grammatically confusing. Applicant is amending claims 21, 23, and 24 which Applicant respectfully submits clarifies the claims and places the claims in condition for allowance. The Examiner's assistance in noting the confusing claim language is gratefully acknowledged.

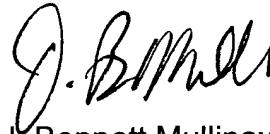
Inasmuch as all outstanding issues raised by the Examiner have been addressed, it is respectfully submitted that the present application is in condition for allowance, and action to such effect is earnestly solicited. The Examiner is encouraged

to telephone the undersigned at his/her convenience should only minor issues remain after consideration of the present Amendment, to permit early resolution of same.

Please charge any additional fees required by this Amendment to Deposit Account No. 50-3172.

Respectfully submitted,

J. BENNETT MULLINAX, LLC

A handwritten signature in black ink, appearing to read "J. Bennett Mullinax", written in a cursive style.

J. Bennett Mullinax
Reg. No. 36,221